



General Assembly

February Session, 2022

Raised Bill No. 5175

LCO No. 873



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

***AN ACT ALLOWING POLICE OFFICERS TO OBTAIN INFORMATION
TO BE FURNISHED RELATIVE TO FIRE OR EXPLOSION LOSSES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-318 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) Any authorized agency may in writing request any insurance
4 company to release information relative to any investigation [it] the
5 insurance company has made concerning a loss or potential loss due to
6 fire or explosion of [suspicious] undetermined or incendiary origin
7 which shall include but not be limited to: (1) An insurance policy
8 relative to such loss, (2) policy premium records, (3) history of previous
9 claims, and (4) other relevant material relating to such loss or potential
10 loss.

11 (b) If any insurance company has reason to suspect that a fire or
12 explosion loss to its insured's real or personal property was caused by
13 undetermined or incendiary means, the insurance company shall
14 furnish any authorized agency with all relevant material acquired
15 during its investigation of the fire or explosion loss, cooperate with and

16 take such action as may be requested of [it] the insurance company by
17 the authorized agency and permit any person ordered by a court to
18 inspect any of its records pertaining to the policy and the fire or
19 explosion loss. [Such] The insurance company may request any
20 authorized agency to release information relative to any investigation it
21 has made concerning any such fire or explosion loss of [suspicious]
22 undetermined or incendiary origin.

23 (c) No insurance company, authorized agency or person who
24 furnished information on behalf of such insurance company or agency
25 [.] shall be liable for damages in a civil action or subject to criminal
26 prosecution for any oral or written statement made or any other action
27 taken that is necessary to supply information requested pursuant to this
28 section, unless there is fraud, actual malice or conduct relating to the
29 release of such information which constitutes a criminal act.

30 (d) Except as provided in subsection [(h)] (g) of this section, any
31 authorized agency receiving any information furnished pursuant to this
32 section shall hold the information in confidence until such time as its
33 release is required pursuant to a criminal or civil proceeding.

34 (e) Any authorized agency personnel may be required to testify as to
35 any information in the agency's possession regarding the fire or
36 explosion loss of real or personal property in any civil action in which
37 any person seeks recovery under a policy against an insurance company
38 for the fire or explosion loss.

39 (f) For the purposes of this section, (1) "authorized agency" means:
40 [(1)] (A) The State Fire Marshal or the local fire marshal when authorized
41 or charged with the investigation of fires or explosions at the place
42 where the fire or explosion actually took place, [; and (2)] (B) the
43 Insurance Commissioner, or (C) a federal, state or local law enforcement
44 officer when authorized or charged with the investigation of fires or
45 explosions at the place where the fire or explosion actually took place;
46 and (2) "insurance company" includes organizations issuing insurance
47 policies in this state pursuant to the provisions of section 38a-328.

48 [(g) For the purposes of this section, "insurance company" shall
49 include organizations issuing insurance policies in this state pursuant to
50 the provisions of section 38a-328.]

51 [(h)] (g) Any authorized agency provided with information pursuant
52 to subsection (a) or (b) of this section, may, in furtherance of its own
53 purposes, release any information in its possession to any other
54 authorized agency.

55 [(i)] (h) The provisions of this section shall apply to fire losses
56 occurring on or after October 1, 1979.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	38a-318

Statement of Purpose:

To allow federal, state and local law enforcement officers to obtain insurance records from insurance companies to aid in the investigation of fires or explosions of an undetermined or incendiary origin.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]